

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Lopez Dovol Mullen**

**Docket No. 5:99-CR-85-1BO**

**Petition for Action on Supervised Release**

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Lopez Dovol Mullen, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute Cocaine Base in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 17, 2000, to the custody of the Bureau of Prisons for a term of 125 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.
2. The defendant shall provide the probation office with access to any requested financial information.

Lopez Dovol Mullen was released from custody on November 20, 2008, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On February 23, 2010, the court was notified that the defendant was charged with Feloniously Obtaining Property by False Pretense. No action was taken, as the matter was pending disposition in Wake County, North Carolina. On July 16, 2010, Mullen was adjudicated guilty of a misdemeanor after entering a plea to the offense of Attempted Financial Transaction Card Fraud and was placed on 18 months supervised probation, which may be transferred to unsupervised upon payment of the \$430 restitution and \$266.50 costs (10CRS200477).

On April 30, 2010, the court was notified that the defendant was charged with Driving While License Revoked. No action was taken as the matter remained pending. Although the case has not been disposed in Wake County District Court, Mullen acknowledged that he committed the criminal conduct. The matter remains pending (10CR725350).

On July 31, 2010, the defendant was charged in Wake County again for Driving While License Revoked. Mullen failed to report this incident to the probation officer. After being confronted by the probation officer, the defendant acknowledged the criminal conduct and stated he forgot to report the incident. This matter is also pending in Wake County District Court (10CR757180).

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It is therefore respectfully recommended that the conditions of supervised release be modified to include a period of home detention with electronic monitoring as outlined below. This sanction is intended to address all previously noted violation conduct. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 120 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

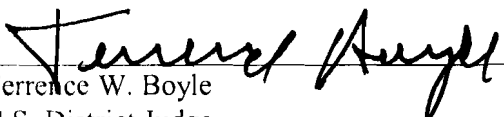
I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/Tuell Waters  
Tuell Waters  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: September 17, 2010

**ORDER OF COURT**

Considered and ordered this 19 day of September, 2010, and ordered filed and made a part of the records in the above case.

  
Terrence W. Boyle  
U.S. District Judge